

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Colin Gardner	Team: Squad #6	CCRB Case #: 201609514	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/16/2016 8:30 AM	Location of Incident: The intersection of the Cross Bronx Expressway and East Tremont Avenue and East Tremont Avenue	Precinct: 45	18 Mo. SOL 5/16/2018	EO SOL 5/16/2018	
Date/Time CV Reported Wed, 11/16/2016 9:05 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Wed, 11/16/2016 11:17 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Derrick Kreckmann	26021	954032	PSA 8

Officer(s)	Allegation	Investigator Recommendation
A.POM Derrick Kreckmann	Discourtesy: At the intersection of the Cross Bronx Expressway and East Tremont Avenue in the Bronx, PO Derrick Kreckmann spoke discourteously to § 87(2)(b)	
B.POM Derrick Kreckmann	Discourtesy: On East Tremont Avenue in the Bronx, PO Derrick Kreckmann acted discourteously toward § 87(2)(b)	

Case Summary

This case exceeded 90 days because it was sent to the Mediation Unit on November 22, 2016, and was returned for an investigation.

On November 16, 2016, at approximately 8:30 a.m., PO Derrick Kreckmann from PSA 8 was on his way from the Bronx to Manhattan the Cross Bronx Expressway and East Tremont Avenue when he tried to maneuver his police van around § 87(2)(b) vehicle. PO Kreckmann eventually maneuvered his vehicle into a position where he could see § 87(2)(b) staring back at him. PO Kreckmann looked at § 87(2)(b) sitting inside of her vehicle and mouthed, “What the fuck are you looking at?” (**Allegation A**). § 87(2)(b) followed PO Kreckmann as he drove down East Tremont Avenue and she observed PO Kreckmann make a U-turn as she was stopped at another traffic signal. PO Kreckmann drove the police van back towards § 87(2)(b) who was still waiting for the traffic signal. PO Kreckmann passed § 87(2)(b) in his police van, looked at her, and then stuck his tongue out (**Allegation B**). PO Kreckmann then drove away. § 87(2)(b) was not arrested or issued any summonses regarding this incident.

There is no video footage for this incident.

Mediation, Civil and Criminal Histories

- The case was sent to the Mediation Unit and returned on February 28, 2017, after a failed mediation session with PO Kreckmann.
- § 87(2)(b) has no prior criminal convictions (see **Board Review 4**).
- As of March 29, 2017, the results of § 87(2)(b) filing a Notice of Claim are pending (see **Board Review 6**).

Civilian and Officer CCRB Histories

- This was the first CCRB complaint filed by § 87(2)(b) (see **Board Review 5**).
- PO Kreckmann has been a member of the service for 4 years and there have been 41 prior allegations in 15 complaints made against him. In CCRB case # 201405312, two frisk allegations and two search allegations were substantiated against PO Kreckmann. In CCRB case # 201601983, a vehicle search allegation was substantiated against PO Kreckmann. In CCRB case # 201607750, a physical force allegation, a threat of arrest allegation, a threat to damage property allegation, a frisk allegation, a search allegation, four discourtesy allegations, and an offensive language allegation were all substantiated against PO Kreckmann. The Board recommended command discipline for substantiated complaints against PO Kreckmann, but the NYPD has not made a ruling on any of those cases.

Findings and Recommendations

Allegation A – Discourtesy: At the intersection of the Cross Bronx Expressway and East Tremont Avenue in the Bronx, PO Derrick Kreckmann spoke discourteously to § 87(2)(b)

Allegation B – Discourtesy: On East Tremont Avenue in the Bronx, PO Derrick Kreckmann acted discourteously toward § 87(2)(b)

It is undisputed that PO Kreckmann used profanity directed at § 87(2)(b) and also stuck his tongue out at her.

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§ 87(2)(b) stated that on November 16, 2016, she was driving alone and was stopped at red light on the corner of the Cross Bronx Expressway and East Tremont Avenue when she observed PO Kreckmann in a marked police van that was blocking traffic flow. PO Kreckmann attempted to drive around § 87(2)(b) and came very close to colliding with her vehicle which startled her. § 87(2)(b) and PO Kreckmann made eye contact, then § 87(2)(b) observed PO Kreckmann say, “What the fuck are you looking at?” § 87(2)(b) did not hear PO Kreckmann actually say this phrase since her windows were rolled up, but she was able to see what he said by reading his lips. § 87(2)(b) decided to follow PO Kreckmann to obtain his license plate number. § 87(2)(b) followed PO Kreckmann for approximately three blocks and then she saw him make a U-turn on East Tremont Avenue. PO Kreckmann then started driving back towards § 87(2)(b) as she was waiting at another traffic light. PO Kreckmann passed § 87(2)(b) while she was stopped at the traffic light and she observed him stick his tongue out while looking at her (see Board Review 1).

§ 87(2)(b) phone statement was consistent with her in-person statement (see Board Review 3).

PO Kreckmann stated that § 87(2)(b) cut him off as he attempted to merge onto the Cross Bronx Expressway and that was the reason he was blocking traffic. PO Kreckmann was frustrated by § 87(2)(b) cutting him off and attempted to maneuver his vehicle around hers. § 87(2)(b) started yelling at PO Kreckmann, but he could not hear what § 87(2)(b) said because both of their windows were rolled up. PO Kreckmann looked at § 87(2)(b) and said to himself in a low tone of voice, “What the fuck are you yelling at?” PO Kreckmann drove down East Tremont Avenue and made a U-turn in order to park in front of a Dunkin Donuts located on the opposite side of the street. PO Kreckmann observed § 87(2)(b) again stopped at different traffic light on East Tremont Avenue after he made the U-turn and she started yelling again. PO Kreckmann did not respond verbally to § 87(2)(b) but instead stuck out his tongue as if to “blow a raspberry.” He explained that this action was done to convey to § 87(2)(b) that he was done interacting with her and that her actions were unwarranted. PO Kreckmann’s tongue was sticking just outside of his mouth, but he did not stick his tongue out fully extended at § 87(2)(b) (see Board Review 2).

According to Patrol Guide Procedure 203-09, officers must remain courteous and respectful when interacting with members of the public (see Board Review 7).

Although § 87(2)(b) did not acknowledge that she cut PO Kreckmann off and yelled at him from her vehicle, both of their statements were consistent with one another in regards to the version of events. It is undisputed that PO Kreckmann looked at § 87(2)(b) and said “What the fuck are you looking at,” or, “What the fuck are you yelling at? Regardless, it is consistent that the expletive “fuck” was directed at § 87(2)(b) during a motor vehicle dispute. PO Kreckmann also acknowledged that he stuck his tongue out while “blowing a raspberry” in response to § 87(2)(b) yelling at him and that this action was directed at § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

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